IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1227 OF 2007

1.Kiran Anant Surate,
2.Swami Ambu Surate,
3.Yashwant Ambu Surate,
4.Pravin Anant Bhingarkar,
5.Girish Anant Bhingarkar,
6.Harsh Kashinath Bhingarkar,&
7.Vishwas Chahu Bhingarkar. ...Applicants.

Versus

The State of Maharashtra ...Respondent.

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Mr.Gajendra R. Jadhav, Adv. for the Applicants.
Mr.V.B.Konde-Deshmukh, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 21st April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicants and the learned APP for the State.

2. The applicants are seeking anticipatory bail in C.R.No.95 of 2007 of Panvel Town Police Station. The said case is mainly under Sections 452, 427, 436 of IPC.

3. The applicants and the complainant belong to rival political parties. The incident occurred

on the day when the results of elections were to be declared. It is the prosecution case that total nine persons came to the Grampanchyat office. They were abusing and pelting stones. They broke open the door of the Grampanchyat office and thereafter burnt the record of the Grampanchyat and ran away. It is further the prosecution case that the applicants were out of the said nine persons.

4. The incident has taken place on 13.3.2007. The FIR is lodged against the unknown persons. Some of the eye witnesses implicated the applicants. However, it is seen that the said statements are three days after the incident. Mr.Jadhav, submitted that the applicants have been implicated belatedly by these eye witnesses as an afterthought on account of political rivalry. It is an admitted fact that sister of the applicant No.1 was contesting in the elections of Zilla Parishad.

5. It is not the prosecution case that the applicants are likely to abscond or that anything is to be recovered at the instance of the

applicants. In this view of the matter, I am inclined to grant anticipatory bail to the applicants.

6. In the event of arrest, the applicants - Kiran Anant Surate, Swami Ambu Surate, Yashwant Ambu Surate, Pravin Anant Bhingarkar, Girish Anant Bhingarkar, Harsh Kashinath Bhingarkar, and Vishwas Chahu Bhingarkar to be released on bail in the sum of Rs.25,000/- each with one or two sureties to make up the said amount. The applicants shall report to Panvel Town Police Station from 11:00 a.m. to 2:00 p.m. for a period of 15 days starting from 29.4.2007, and thereafter as and when required, till conclusion of the trial.

7. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)